

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CONTENT IQ, LLC,

Plaintiff,

-against-

EARTH.COM, INC.,

Defendant.

22-CV-7891 (JGLC)

ORDER

JESSICA G. L. CLARKE, United States District Judge:

On December 20, 2023, counsel for Defendant Earth.com, Inc. filed a motion to withdraw as counsel of record for Defendant. ECF No. 31. At the Court's request, counsel provided additional information in support of this motion. ECF No. 35. No opposition to the motion was filed. Accordingly, the Court GRANTS the motion to withdraw, subject to the requirement that counsel serve a copy of this Order on Defendant by **January 10, 2024**, and file proof of such service by **January 12, 2024**.

As new counsel has not appeared on behalf of Defendant, Defendant is now deemed to be proceeding without counsel. A corporate entity, however, may appear in federal court only through counsel. *See Jones v. Niagara Frontier Transp. Auth.*, 722 F.2d 20, 22 (2d Cir.1983) (“[I]t is established that a corporation, which is an artificial entity that can only act through agents, cannot proceed *pro se*.”). If new counsel fails to appear on behalf of Defendant, default judgment may be entered against it. *See, e.g., Grace v. Bank Leumi Tr. Co. of N.Y.*, 443 F.3d 180, 192 (2d Cir. 2006).

Accordingly, this action is STAYED for **30 days** to allow Defendant to retain new counsel. By **February 7, 2024**, Defendant's new counsel shall file a notice of appearance. The parties' deadline to comply with the Court's Order at ECF No. 26 is extended to **February 16, 2024**. The Clerk of Court is respectfully directed to terminate the motions at ECF Nos. 31, 32, and 33.

Dated: January 8, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Jessica Clarke", is written over a horizontal line.

JESSICA G. L. CLARKE
United States District Judge